A

22/1/47

23/1/47

File No. 410

1885.

Collection No. 15

23

Mysore Residency

Pros./Serial Nos 135-143

114

Subject.

Enrolment as police constables of the employés of the Hackney Carriages Dept not found feasible

Previous References.	**Later References.**
	File no 90/1890 (S.III-118)
	R.C. 364/1941.

S. 97. (Blue.)

MGIPC—FF—728DCF—[illegible]—(S-[illegible])—14-8-39—60,000.

Margin or binding not to be written on.

Office Note.

File No. 4 19 / '85

135

Letter No. 777, *dated* 30th April 1918
from the President, Municipal Commn.

SUBJECT.

regarding the enrolment of the employees of the Hackney Carriage Dept. as Police officers.

①
R

The Hackney Carriage Rules of the
station are at Sl. 133/a-
Rule 23 of the Rules says that
prosecution for breach of these rules
may be instituted by any Police officer
or officer of the Hackney Carriage Dept.,
or any other person authorised by the
Registering officer in writing.

It seems that offences under the
Hackney Carriage Rules are not
cognizable so that Police officers cannot
arrest without warrant persons infringing
the rules. There is nothing to this effect in the Hackney Carriage Act.
Sec. 34 of the Police Act, V of 1861,
which has been applied to the station, does
not provide for offences described in the
Hackney Carriage Rules.

Under Sec. 192 of the Bangalore Municipal Law Police officers had to report offences to the Munl. Commr.

It is true that the Agents of the
Bangalore S.P.C.A, the Inspector & Asst. Inspector
of the Municipal Dept. of P.C.A. have been
enrolled as Police constables for taking
cognizance of cases of cruelty to animals
under Sec. 34 of the Police Act. This
~~[illegible]~~ analogy does not seem to hold
good with regard to conferring the powers
of Police officers on the employees of the
Hackney Carriage Dept. of the Municipality

Vide S.118 of 7 90/1901
C

Evd

S. 1.—B. P. B.—2-1917.—6000

This margin for
binding not
to be written
on.

Even if they were enrolled as Police officers, they would have no power to arrest persons infringing Hackney Carriage Rules.

Submitted for orders - with a draft for approval.

CKS.
3/5/18

AS
4/5

② P.M.C.

Kindly let me have your views on the above office note.

6/5/18

③ First Assistant Resident.

Thamk you for sending me the file. The object of this proposition (which should have been made clear in the draft) was to give the hackney carriage department men the power to arrest under section 57 C.P.C. which provides for cases of arrest when the address given by the offender is doubted. There have been many cases of drivers from the City escaping by giving false addresses. In all other places that I know of the hackney carriage act is administered by the police and the difficulty now sought to be remedied does not arise. Would you kindly send me a reference so that I may give our complete reasons and may also discuss with Mr.Coningham the advisability of transferring the administration of the Act to the police; the Commission could not run the Act unless the D.S.P. did it for them. G. Barker

President.14-7-18

16/7

Margin near binding not to be written on.

Draft below may issue?

AO 15/7

15/7

S. 136 Issued no. 5011 dated 17th July 1918

Letter No 3725, dated the 21st Nov 1918,
S. 137 from the President, Municipal Commn.

④ Please see Sls. 135 & 136.

It seems that, in those cases in which the employees of the Hackney Carriage Dept. doubt the names & addresses of the offenders, they can take them to the police-officers near at hand & get them arrested under Section 57 of the Code of Criminal Procedure, in order that the names or residence of the offenders may be ascertained.

The President says in para 2 of the Letter that the transfer of the Hackney Carriage Dept. from the Municipality to the Police would cause loss of revenue to the Municipal Commission.

If the proposal to enrol the employees of the Hackney Carriage Dept. as Police Constables be accepted, the sanction of the Govt. of India will have to be obtained. Vide Sec. 2 of the Police Act, V of 1861 and Sl. 7/16 of F 90/1890.

B

Submitted for orders.

C.A.S. 26/11/18 AO 26/11

Please see [illegible] C

70

Margin for binding not to be written on.

⑤

S2s: 135 & 136 & above notes.

The number of cases in which wrong addresses have been given is very small — a dozen — still, it wd. certainly conduce to better management if the employé's of the H.C. Dept: were enrolled as police constables.

If you agree a draft will be put up to Govt.

28·XI·18

⑥

How many people will be enrolled as constables if we accept this suggestion? What pay do they get?

HVC
28·

29·XI

Draft D.O. is submd. for approval.

CKS.
29/11/18

29/11

29·XI

Issued No. 8279 d/ 3rd December 18

S. 138.

Margin for binding not to be written on.

Letter No. 4458, dated the 15th January 1919, from the President, Municipal Comm

S. 139

(7) Please see Sl. 137 and 138, and paras 4, 5 and 6 of the office note supra.

The information asked for by the Resident in para 6 is furnished in the d. u. c.

Submitted for orders as to whether the Govt. of India may be addressed in the matter -

C.A.S.
18/1/19

AS
20/1

(8) Yes, draft can be put-up

21/1

(9) Submitted with a draft for approval

C.A.S.
21/1/19

AS
21/1

Regt.

(10) Please speak. It will have to be the present & future incumbents of the posts indicated who will have to be invested with the powers in question.

(11) Spoken. Draft to issue
22/1

AS 22/1

Issued No. 6938 24-1-1919.

Margin for binding not to be written on.

Office Note.

File No. 410 of '88 ~~A~~

WH

Letter No. 820. I. B **dated** the 6th March 19
from the Govt. of India ~~For~~n & Pol. Dept.

SUBJECT.

Proposal to enrol certain employees of the Hackney Carriage Dept. of the C & M. Station, Municipality as Police Officers.

---

(12) Please see Sls. 135, 137, 137/a, ~~13~~ 1 to 17 and 140 & Notes at ~~Flag X to Sl 135 etc~~ overleaf.

The Govt. of India are of opinion that it may not be quite legal to enrol employees of the Hackney Carriage Dept. as Police officers, by amending the Police Act. They advocate amending the Hackney Carriage Act, 1879, as applied to the C & M. Station, vide the Bangalore Hackney Carriage Rules. (Flag R. Sl 133/a)

If approved the file may be sent unofficially to the Collector C & M. Station for his views before finally addressing him.

CAC
15/3

We may send a copy of Indian Govt. letter to the President, Munl. Commn. for information & ~~[illegible]~~ necy action.
Draft subd

WS
15/3/19

Wanted Police Act & Hackney Carriage Act. please.

(Initialled) H. W
16-3.

Submitted.
CAC
17/3.

P.T.O.

S. I.—B. P. B/2-1918.—5,000

As proposed, asking the President, Municipal Committee, to submit draft rule or rules under Hackney Carriage Act

HW
18.3

Resident

Approved

HWC
19.iii

HW 19.3

Draft as amended may issue

[illegible]
19-3-19

HW
22.3.

Issued No. 2327 d 25th March 1919

S.142

Margin for binding not to be written on.

H. O.
1,000—6—11—131

No. 777
2 Lac

CIVIL AND MILITARY STATION, BANGALORE.
MUNICIPAL OFFICE.
DATED 30th April 1918.

RESIDENT'S OFFICE,
BANGALORE.
Register No. 3126
Date of Receipt 1-5-18
4607/81

420/85

FROM,

T. J. TASKER, ESQ., I. C. S.,
President, Municipal Commission,
C. & M. Station, Bangalore.

TO,

Major W.H.S.JAMES,
First Assistant to the Hon'ble
the Resident in Mysore, BANGALORE.

SIR,

I have the honor to state that a proposition by the District Superintendent of Police and Vice President, Municipal Commission, that employees of the Hackney Carriage Department be empowered to arrest any person found violating the Hackney Carriage rules was considered by the Municipal Commission on the 25th April, 1918, when it was resolved that the Hon'ble the Resident be requested to pass orders for their enrolment as police constables on the analogy of the orders passed in his Proceedings No.8917 dated 15th December, 1916.

S.118 of file 90/90 C.

2. I enclose copies of the resolution and a draft order prepared by the District Superintendent of Police and solicit that the Hon'ble the Resident may be pleased to issue the necessary proceedings thereon.

I have the honor to be,
Sir,
Your most obedient servant

Tasker
President, Municipal Commission.
Civil & Military Station, Bangalore.

Recd 3.5.18 CKS

CRJ.30-4. 350 15

Proceedings of an Ordinary meeting dated the 25th April,1918.

- - - - - - - -

11. Proposition by the District Superintendent of Police and Vice President, Municipal Commission, that employees of the Hackney Carriage Department be empowered to arrest any person found violating the Hackney Carriage rules and that the Hackney Carriage rules be amended for this purpose; the Standing Committee recommend that the Hon'ble the Resident be requested to pass orders for the enrolment of the employees of the Hackney Carriage Department as Police Constables.

Resolved that the recommendation be approved.

Sd/- T.J.Tasker,
President.

- - - - - - - - - - - - -

"COPY"

A. Clarke

SECRETARY.

PROCEEDINGS OF THE HON'BLE THE RESIDENT IN MYSORE.

No. dated the May, 1918.

ORDER.

The Hon'ble the Resident in Mysore is pleased to make the following rules in the Civil and Military Station of Bangalore for the enrolment of the employees of the Hackney Carriage Department as Police Constables.

1. The enrolment of the said employees as Constables is subject to the approval of the District Superintendent of Police.

2. The District Superintendent of Police may at any time suspend or cancel the certificate of enrolment.

3. The employees of the Hackney Carriage Department have no claim to pay, pension or gratuity as members of the Police Force.

4. The employees of the Hackney Carriage Department must wear a distinctive uniform or badge in token that they are connected with the Hackney Carriage Department.

5. The employees of the Hackney Carriage Department have power to interfere only in cases pertaining to Hackney Carriage Regulations and the rules framed thereunder.

6. When an employee of the Hackney Carriage Department is detailed for duty on any particular "beat" he must report himself with his superior's order to the local Inspector of Polic before exercising his powers.

7. In every case in which an employee of the Hackney Carriage Department makes an arrest he must take the prisoner and the Hackney Carriage and animal in respect of which an offence has been committed to the Police Station within the limits of which the offence has been committed.

R. O. 2.—R. P. B.—5-1918.-

No. 5011.

FROM

MAJOR E. H. S. JAMES,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The President,
Municipal Commission,
Civil & Military Station, Bangalore.

Dated Bangalore, 17th July 1918.

SIR,

Re 135 With reference to your letter No. 777, dated the 30th April 1918, regarding the enrolment as Police constables of the employees of the Hackney Carriage Department, I am directed to say that there is no analogy between this case and that of the prevention of cruelty to animals referred to by you in as much as, under Section 34 of the Police Act, V of 1861, as applied to the station, Police officers have powers to arrest, without warrant, persons who are guilty of cruelty to animals. There is, however, no provision in the Police Act or the Hackney Carriage Act, XIV of 1879, by which police officers can arrest without warrant, - persons infringing the Hackney Carriage Rules.

2. I am consequently to request that in the light of the remarks made above you will kindly favour the Resident with your further views in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

Sd E. H. S. James.
First Assistant Resident.

B.J.

6/c

No. 3725
Enc. 1

CIVIL AND MILITARY STATION, BANGALORE.
MUNICIPAL OFFICE.
DATED 21st November 1918.

FROM,

T. J. TASKER, ESQ., I. C. S.,
President, Municipal Commission,
C. & M. Station, Bangalore.

To,

8492
23-11-18

Major E.H.S. James,
First Assistant to the Hon'ble
the Resident in Mysore, BANGALORE.

SIR,

S. 136 With reference to your No.5011 dated the 17th July 1918, I have the honor to state that the object of the request to order enrolment of the employees of the hackney carriage department as Police constables was to enable them to arrest persons under section 57 of the C.P.C. A copy of the "objects and reasons" appended to the original proposition is enclosed.

2. I have examined the question whether it would not be better, as in other towns, if the hackney carriage department were transferred from the Municipality to the Police department. There would be a considerable loss of revenue to the Commission according to the statement below, and there is also the question of pensions to be considered.

Year.	Receipts.	Amount.	Year.	Expenditure.	Amount.
		Rs. A. P.			Rs. A. P.
1916-17.	Total receipts under all heads	8,364 2 0	1916-17.	Total expenditure under all heads.	3,383-8-11
1917-18.	-----do-----	9,391 0 0	1917-18.	----do----	3,700-3- 6

3. The position thus is that the Municipal Commission

gains by the revenue collected, but its servants lose the power and prestige which in other towns attaches to the police. In actual practice difficulty has been found in about a dozen cases of persons giving wrong name and address, and enrolment as constables would mean that in all cases the hackney carriage department employees would arrest where an offender was not known to them. In addition their authority would be generally enhanced.

I have the honor to be,
Sir,
Your most obedient servant,

President, Municipal Commission,
Civil & Military Station, Bangalore.

Copy of the "objects and reasons" appended to the original proposition.

At present Hackney Carriage subordinates have not the powers of arrest and hence when they see an offence being committed, they merely take down the name and address of the offender. Cases are next put up and usual summonses are issued by Court when it frequently happens that the person cannot be found, as the name and address given to the Hackney Carriage subordinate are incorrect. This is especially the case with the Hackney Carriage drivers registered in the City.

"COPY"

16/11/17

SECRETARY.

138

D. O No. 8279.

THE MYSORE RESIDENCY,
Bangalore, 3rd December 1918

My dear Tasker,

I am desired to refer to the correspondence ending with your letter No. 3725, dated the 21st November 1918, regarding the proposal to enrol the employees of the Hackney Carriage Department as Police Constables and to enquire how many persons will be enrolled as constables if the suggestion be accepted, and what pay they are in receipt of.

Yours sincerely,

Sd/ E. H. S. James.

T. J. Tasker, Esq., I.C.S.,
President, Municipal Commission,
Civil & Military Station,
Bangalore.

101

H. O.
6 1,000—6—11—1917.

No. 44

CIVIL AND MILITARY STATION, BANGALORE.

MUNICIPAL OFFICE.

DATED January 1919.

FROM,

T. J. TASKER, ESQ., I. C. S.,

President, Municipal Commission,

C. & M. Station, Bangalore.

TO,

Major E.H.S. James,

First Assistant to the Hon'ble

the Resident in Mysore,

Bangalore.

510
17-1-19
410/85

SIR,

S.138

With reference to your D.O.No.8279, dated 3rd ~~inst~~ December 1918 on the subject of enrolling the employees of the Hackney Carriage Department as Police constables, I have the honor to state that there are ten persons to be enrolled as such as follows:-

1	Inspector on a salary of		Rs.	100
1	Writer (Sergeant)	do	,,	19/8
1	Assistant Inspector	do	,,	15
3	Constables	do	,,	9 each
4	do	do	,,	8 each

I have the honor to be,

Sir,

Your most obedient servant,

17/1

President, Municipal Commission

Civil & Military Station, Bangalore.

6/1/19

CRJ.6-1.

S.-8.—R. P. B.—9-1918.—10,000.

No. 693
24-1-1919

[DRAFT.]

From

The Hon. Mr. H. V. Cobb, C.S.I., C.I.E.,
Resident in Mysore

To

The Pol. Secretary to the Govt. of India,
Foreign & Pol. Deptt.

Sir,

I have the honour to state that the Municipal Commission of the C. & M. Station of Bangalore have proposed that the employés of their Hackney Carriage Department may be enrolled as Police ~~Officers~~ with the object of enabling them to arrest under Section 57 of the Code of Criminal Procedure those persons who refuse, when demanded, to give their names and residences, or who give ~~their~~ names or residences which are believed to be false. It is said that there have been several cases of drivers especially from the Ba[illegible]lore

(*Continuation of Draft.*)

from the Bangalore city, who have escaped by giving wrong names and address.

2. I strongly support the proposal and request that, with reference to the provisions of Section 2 of the Police Act of 1861, the following ~~employees~~, staff by deputation, of the Hackney Carriage Dept. may kindly be enrolled as Police Officers for the purpose indicated above:-

Inspector (Pay Rs 100 per mensem) S.129
Writer (Sergeant) (" Rs 19-8 ")
Asst. Inspector (Rs 15 ")
3 Constables (" Rs 9 " each)
4 do (" Rs 8 each)

I have etc,

for Resident

C.R.S. 21/1/19 21/1

Sntd 23/1/19

No. 820- I.B.

From,

The Deputy Secretary to the Government of India
in the Foreign and Political Department,

The Hon'ble Mr. H. V. Cobb. C.S.I., C.I.E.,
Resident in Mysore.

2058
10-3
4-10/85

Dated Delhi, the March 1919.

Sir,

S 140 I am directed to refer to your letter No. 69[illegible], dated the 24th January 1919, requesting that certain employees of the Hackney Carriage Department of the Municipality of the Civil and Military Station of Bangalore may be enrolled as Pol[illegible] Officers with the object of enabling them to arrest persons who refuse when demanded to give their names and residences or who give names or residences which are believed to be false.

2. The Government of India are doubtful of the legality of the proposal. The Police Act[x] does not contemplate the inclusion in a police force of heterogeneous classes of persons with limited powers, who are not intended to be employed as regular policemen and who would presumably be absolved from the penalties for the nonfulfilment of the other duties and obligations imposed on police officers by the Act. The Act provides,[*] in certain eventualities, for the enrolment of special policemen, their powers, and the limits within which those powers may be exercised, but action under those sections could not be justified in the present case. If therefore you consider that the matter is of sufficient importance to warrant action, the best way of achieving the purpose is by amendment of the modifications of the Hackney Carriage

x See especially sections 2, 8, 9 and 10.

* Vide sections I7 and 20

5

Carriage Act, 1879, as in force in the Civil and Military Station, and I am to request that the necessary draft notification may be submitted for the approval of the Government of India.

I have the honor to be,

Sir,

Your most obedient servant.

Deputy Secretary to the Government of India.

M. O. 178 (a)—R. P. B.—7-1918.—1,000.

MYSORE RESIDENT'S OFFICE,
Bangalore, 25—3—1919

with spare copy

No. 2327 [illegible]-4.

A copy of the marginally* noted letter, ~~with enclosure,~~ and of that to which it is a reply is forwarded to the President, Municipal Commn. C & M Stn, Bangalore for information with ref. to the correspondence ending with his letter no 4458, dated the 15th Jany. 1919 and for favour of necessary action. 134

It is requested that the draft scale or rules under the Hackney Carriage Act may kindly be sent for the consideration of the [illegible]

Lic.

*No. 820-7 dated 6th March 1919 from the Govt. of India Foreign & Pol. Dept.

G. A. Wilkinson
First Assistant Resident.

[illegible] 27/3/19

Pr 23/7

H. O. 143
———2,000–1–5–1918.
6

No. 1402

CIVIL AND MILITARY STATION, BANGALORE.

MUNICIPAL OFFICE.

DATED ~~15th~~ 22nd July 1919.

Receipt No. 5735
Date of Receipt 23/7/19

FROM,

T. J. TASKER, ESQ., I. C. S.,
President, Municipal Commission,
C. & M. Station, Bangalore.

TO,

The First Assistant
to the Hon'ble the Resident in Mysore,
Bangalore.

SIR,

Referring to the correspondence ending with your No.4848 dated the 21st June 1919, I have the honor to state that the draft Rules under the Hackney Carriages Act therein called for have still to come before the Commission for sanction and as soon as this has been done, a reply will be sent to you.

I have the honor to be,
Sir,
Your most obedient servant,

21.7.19
~~For~~ PRESIDENT,
Municipal Commission,
C. & M. Station.

19/7/19

Please see S. 141 & 142
May be filed pro tem

25.7.19

25/7

26/7.

DSR.